

From: [Gloria-Small Moran](#)
To: [Carlos Sanchez](#)
Cc: [Donald Williams](#)
Subject: Re: Fw: Arkwood Site - REPLY
Date: 05/01/2012 12:09 PM

Hi Carlos:

Can we meet today for a few minutes to discuss the use of the agreements to obtain access at sites. I have advised McKesson that the sole condition of the McKesson's arrangement with EPA was a 2-day notice from Mr. Bud Grisham, "owner" of the site, and left it silent as to Mr. Bud Grisham's visitors as to whether the release must be signed.

Gloria Moran
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▼ Carlos Sanchez---05/01/2012 06:58:22 AM---If EPA, ADEQ, and Mckesson have concluded that the cleanup (soil/surface) is completed and is protec

From: Carlos Sanchez/R6/USEPA/US
To: Gloria-Small Moran/R6/USEPA/US@EPA
Cc: Donald Williams/R6/USEPA/US@EPA
Date: 05/01/2012 06:58 AM
Subject: Fw: Arkwood Site

If EPA, ADEQ, and Mckesson have concluded that the cleanup (soil/surface) is completed and is protective of human health and the environment, why would visitors need to sign those access agreements? I do not believe that we require that at other Superfund sites, both PRP or Fund Lead. If someone purchases the property, then they would have to compile with the IC requirements, but not for just a site visit. Maybe give the visitors a quick Health and Safety briefing. CAS

Carlos A. Sanchez
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----- Forwarded by Carlos Sanchez/R6/USEPA/US on 05/01/2012 06:51 AM -----

From: John Edgcomb <jedgcomb@edgcomb-law.com>
To: Gloria-Small Moran/R6/USEPA/US@EPA
Cc: Carlos Sanchez/R6/USEPA/US@EPA, Shawn Ghose/R6/USEPA/US@EPA, "Mescher, Jean"

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Date: 04/30/2012 06:27 PM
Subject: Arkwood Site

Dear Ms. Moran:

As you know, Mr. C.C. ("Bud") Grisham, Sr. is now bringing visitors onto the Arkwood NPL Site. As you know, he has given notice that he plans to bring one or more additional visitors on the Site on Wednesday, May 2, 2012. We are trying to reach reasonable accommodation with him with regard to having the visitors sign an appropriate Visitor Access Agreement. In an effort to avoid further disputes with Mr. Grisham on this issue, we would like to know as soon as possible whether USEPA Region 6 has any objection to McKesson requiring Mr. Grisham to notify his visitors in advance that they will have to execute the attached form of agreement before obtaining access to the Site, and if so, the basis for that objection. McKesson is not requiring Mr. Grisham Sr. to execute the agreement.

The reasons for the Visitor Access Agreement are, among others: 1) to give notice to the visitor(s) of the Site's contamination history; 2) to provide protection to the existing site engineering controls, including the topsoil and grass cover, and remediation equipment; and 3) for McKesson's protection, given the limited indemnity obligation provided to the Ormond Group (including Mr. Grisham) for claims by non-governmental entities arising out Site investigation and remediation activities set forth in Article 5 of the Settlement Agreement between the Ormond Group and McKesson, et al. (see attached). We will be requesting Mr. Grisham to cooperate with McKesson in obtaining and providing visitor's signatures pursuant to Section 9.2(c) of the Settlement Agreement.

Please let me know EPA's position at your earliest convenience. Please call me if you would like to discuss this matter at your convenience.

Regards, John

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[attachment "2012-0430 Ex. A, Visitor Access Agreement, Arkwood Superfund Site (00032163).PDF" deleted by Gloria-Small Moran/R6/USEPA/US] [attachment "1987-1231 Executed Settlement Agreement, Ormond Group and MMI (00012278).PDF" deleted by Gloria-Small Moran/R6/USEPA/US] [attachment "2012-0430 Visitor Access Agreement re Arkwood Inc. Superfund Site (00032063-2).pdf" deleted by Gloria-Small Moran/R6/USEPA/US]